

Introduced by Senator Moorlach

February 18, 2016

An act to amend Section 5813.5 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as introduced, Moorlach. Crisis stabilization units: funding.

Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified.

The act establishes the Mental Health Services Fund, continuously appropriated to and administered by the State Department of Health Care Services, to fund specified county mental health programs, including programs funded under the Adult and Older Adult Mental Health System of Care Act. Existing law prohibits these funds from being used to pay for persons incarcerated in state prison or parolees from state prisons.

This bill would clarify that the counties may use Mental Health Services Fund moneys to provide crisis stabilization services, including temporary commitment. Because the bill would clarify the procedures and terms of Proposition 63, it would require a majority vote of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5813.5 of the Welfare and Institutions Code is amended to read:

5813.5. Subject to the availability of funds from the Mental Health Services Fund, the state shall distribute funds for the provision of services under Sections 5801, 5802, and 5806 to county mental health programs. Services shall be available to adults and seniors with severe illnesses who meet the eligibility criteria in subdivisions (b) and (c) of Section 5600.3. For purposes of this act, ~~seniors~~ “seniors” means older adult persons identified in Part 3 (commencing with Section 5800) of this division.

(a) Funding shall be provided at sufficient levels to ensure that counties can provide each adult and senior served pursuant to this part with the medically necessary mental health services, medications, and supportive services set forth in the applicable treatment plan.

(b) The funding shall only cover the portions of those costs of services that cannot be paid for with other funds including other mental health funds, public and private insurance, and other local, state, and federal funds.

(c) Each county mental health program’s plan shall provide for services in accordance with the system of care for adults and seniors who meet the eligibility criteria in subdivisions (b) and (c) of Section 5600.3.

(d) Planning for services shall be consistent with the philosophy, principles, and practices of the Recovery Vision for mental health consumers:

(1) To promote concepts key to the recovery for individuals who have mental illness: hope, personal empowerment, respect, social connections, self-responsibility, and self-determination.

(2) To promote consumer-operated services as a way to support recovery.

(3) To reflect the cultural, ethnic, and racial diversity of mental health consumers.

(4) To plan for each consumer’s individual needs.

(e) The plan for each county mental health program shall indicate, subject to the availability of funds as determined by Part 4.5 (commencing with Section ~~5890~~) of this division, ~~5890~~), and other funds available for mental health services, adults and seniors

1 with a severe mental illness being served by this program are either
2 receiving services from this program or have a mental illness that
3 is not sufficiently severe to require the level of services required
4 of this program.

5 (f) Each county plan and annual update pursuant to Section
6 5847 shall consider ways to provide services similar to those
7 established pursuant to the Mentally Ill Offender Crime Reduction
8 Grant Program. Funds shall not be used to pay for persons
9 incarcerated in state prison or parolees from state prisons. ~~When~~

10 (1) *When* included in county plans pursuant to Section 5847,
11 funds may be used for the provision of mental health services under
12 Sections 5347 and 5348 in counties that elect to participate in the
13 Assisted Outpatient Treatment Demonstration Project Act of 2002
14 (Article 9 (commencing with Section 5345) of Chapter 2 of Part
15 1).

16 (2) *When included in county plans pursuant to Section 5847,*
17 *funds may be used for the provision of crisis stabilization services,*
18 *including temporary commitment pursuant to Section 5150.*

19 (g) The department shall contract for services with county
20 mental health programs pursuant to Section 5897. After the
21 effective date of this section, the term grants referred to in Sections
22 5814 and 5814.5 shall refer to such contracts.

23 SEC. 2. The Legislature finds and declares that this act clarifies
24 that counties may use funds provided under the Mental Health
25 Services Act to provide services to individuals who are being
26 temporarily evaluated for mental health reasons.